IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Un	ited States of America,) 				
	Plaintiff,) 8:008MJ131)				
	vs.) DETENTION ORDER				
Ru	Rueben Sanchez-Leon,)					
	Defendant.	,				
A.	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).					
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 					
C.	is a s penalty of <u>2 years</u> impr (b) The offense is a crime of (c) The offense involves a na	rvices Report, and includes the following: e offense charged: Found in U.S. Following Deportation erious crime and carries a maximum isonment. violence.				
	may affect wheth	<u> </u>				

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	X X X	The defendant has no steady employment. The defendant has no substantial financial resources. The defendant is not a long time resident of the community. The defendant does not have any significant community ties. Past conduct of the defendant:
		The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.
	(b) At the ti	me of the current arrest, the defendant was on: Probation
	(a) Other F	Parole Release pending trial, sentence, appeal or completion of sentence.
	(c) Other F	The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
	X_ X_	deportation if convicted. The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: Prior Removal (2007)
(4) The nature and seriousness of the danger posed by the defendant's release are as follows:		
(5)	Rehuttable Pi	resumntions
In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S. § 3142(e) which the Court finds the defendant has not rebutted: (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the		
	•	of any other person and the community because the Court at the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or

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	 (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convict two or more prior offenses described in (1) thr (3) above, and the defendant has a prior conv for one of the crimes mentioned in (1) through above which is less than five years old and whe was committed while the defendant was on pricelease. 	rough viction n (3) nich
(b)	That no condition or combination of conditions will reasonal assure the appearance of the defendant as required and the safety of the community because the Court finds that there probable cause to believe: (1) That the defendant has committed a controlled substance violation which has a maximum per 10 years or more. (2) That the defendant has committed an offense 18 U.S.C. § 924(c) (uses or carries a firearm of and in relation to any crime of violence, included crime of violence, which provides for an enhance punishment if committed by the use of a dead dangerous weapon or device)	ne is d nalty of under during a nced

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 1, 2008.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge